

EXHIBIT 3

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

WARREN GARDNER, *et al.*,

Plaintiffs,

v.

STARKIST CO., a Delaware Corporation,

Defendant.

Case No.: 3:19-cv-02561-WHO

**PLAINTIFFS' FIRST SET OF REQUESTS
FOR ADMISSION**

PROPOUNDING PARTY:

Plaintiffs WARREN GARDNER, LORI MYERS,
ANGELA COSGROVE, AUTUMN HESSONG,
ROBERT MCQUADE, COLLEEN MCQUADE,
JAMES BORRUSO, FIDEL JAMELO, JOCELYN
JAMELO, ANTHONY LUCIANO, LORI
LUCIANO, ROBERT NUGENT, AVRAHAM
ISAC ZELIG, KEN PETROVCIK, MEGAN
KIIHNE, KATHLEEN MILLER, TARA
TROJANO, JASON PETRIN, AMY TAYLOR,
HEATHER MEYERS, AND RACHEL PEDRAZA

RESPONDING PARTY:

Defendant STARKIST CO.

SET NO.:

ONE (1)

Pursuant to Federal Rules of Civil Procedure Rule 36, Plaintiffs Warren Gardner, Lori Myers, Angela Cosgrove, Autumn Hessong, Robert McQuade, Colleen McQuade, James Borruso, Fidel Jamelo, Jocelyn Jamelo, Anthony Luciano, Lori Luciano, Robert Nugent, Avraham Isac Zelig, Ken Petrovcik, Megan Kiihne, Kathleen Miller, Tara Trojano, Jason Petrin, Amy Taylor, Heather Meyers, and Rachel Pedraza hereby propound the following requests for admission to Defendant StarKist Co., each of which is to be answered fully and separately, in writing, within 30 days of service of these requests for admission.

DEFINITIONS

1. “And” and “or” are to be considered conjunctively and disjunctively. The singular form of a noun or pronoun includes the plural form and vice versa. “Or” is understood to include and encompass “and”.

2. “Any” is understood to encompass “all”. The word “all” also includes “each” and vice versa.

1 your answer is anything but an unqualified admission, “the answer must specifically deny it or
 2 state in detail why [you] cannot truthfully admit or deny it. A denial must fairly respond to the
 3 substance of the matter; and when good faith requires that [you] qualify an answer or deny only
 4 a part of a matter, the answer must specify the part admitted and qualify or deny the rest. [You]
 5 may assert lack of knowledge or information as a reason for failing to admit or deny only if [you
 6 state] that [you have] made reasonable inquiry and that the information [you] know or can readily
 7 obtain is insufficient to enable [you] to admit or deny.”

8 **REQUESTS FOR ADMISSION**

9
 10 REQUEST FOR ADMISSION NO. 1: Admit that all the Products sold in the United States
 11 were continuously labeled with the EII Dolphin Safe Logo.

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 13 REQUEST FOR ADMISSION NO. 2: Admit that dolphins are harmed or killed in sourcing
 14 tuna for Your Products.

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 16 REQUEST FOR ADMISSION NO. 3: Admit that You do not know how many dolphins are
 17 harmed or killed in sourcing tuna for Your Products.

18
 19 REQUEST FOR ADMISSION NO. 4: Admit that You have no information that consumers
 20 of Your Products do not believe that “Dolphin Safe” as used by You means that You do not use
 21 fishing methods known to kill and harm dolphins.

22
 23 REQUEST FOR ADMISSION NO. 5: Admit that Longlines were used to capture some of
 24 the tuna in Your Products.

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 26 REQUEST FOR ADMISSION NO. 6: Admit that some of the tuna in Your Products is
 27 supplied by purse seine fishing vessels using Traditional FADs.
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1 REQUEST FOR ADMISSION NO. 7: Admit that Longlines and purse seine fishing vessels
2 using Traditional FADs capture at least 80% of the tuna in your Products.

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4 REQUEST FOR ADMISSION NO. 8: Admit that You have studied whether “Dolphin
5 Safe” would be important to consumers of Your Products.

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7 REQUEST FOR ADMISSION NO. 9: Admit that You have studied whether “Dolphin
8 Safe” would be important to Retailers of Your Products.

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10 REQUEST FOR ADMISSION NO. 10: Admit that “Dolphin Safe” is an important factor for
11 consumers of Your Products.

12 REQUEST FOR ADMISSION NO. 11: Admit that “Dolphin Safe” is an important factor for
13 Retailers of Your Products.

14
15 REQUEST FOR ADMISSION NO. 12: Admit that You have studied whether the use of
16 Sustainable fishing practices in capturing the tuna in Your Products is important to consumers of
17 Your Products.

18
19 REQUEST FOR ADMISSION NO. 13: Admit that You have studied whether the use of
20 Sustainable fishing practices in capturing the tuna in Your Products is important to Retailers of
21 Your Products.

22
23 REQUEST FOR ADMISSION NO. 14: Admit that the use of Sustainable fishing practices
24 in capturing the tuna in Your Products is important to consumers of Your Products.

25 REQUEST FOR ADMISSION NO. 15: Admit that the use of Sustainable fishing practices
26 in capturing the tuna in Your Products is important to Retailers of Your Products.
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1 REQUEST FOR ADMISSION NO. 16: Admit that FADs, regardless of design, attract
2 dolphins.

3
4 REQUEST FOR ADMISSION NO. 17: Admit that the price You charge for Your Products
5 includes at least some of the costs to You of obtaining and maintaining authorization to use the
6 EII Dolphin Safe logo on Your Products.

7
8 REQUEST FOR ADMISSION NO. 18: Admit that the price You charge for Your Products
9 includes at least some of the cost to You of complying with the DPCIA.

10 REQUEST FOR ADMISSION NO. 19: Admit that the FADs used to capture the tuna in Your
11 Products indiscriminately capture or harm dolphins.

12
13 REQUEST FOR ADMISSION NO. 20: Admit that the Longlines used to capture the tuna in
14 Your Products indiscriminately capture or harm dolphins.

15
16 Dated: August 13, 2020

BONNETT, FAIRBOURN, FRIEDMAN
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/s/Patricia N. Syverson

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22 Attorneys for Plaintiffs
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CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2020, I served **PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSION** by email and first class mail to:

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Attorneys for Defendant
STARKIST CO.

I declare under the penalty of perjury that the foregoing is true and correct. Executed August 13, 2020 at San Diego, California.

/s/ Patricia N. Syverson
Patricia N. Syverson
Attorney for Plaintiffs